

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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THOMAS P. KOESTLER,

1:16-cv-07175-DLC

Petitioner,

-against-

ORDER

MARTIN SHKRELI,

Respondent.

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DENISE L. COTE, District Judge

The Court having issued the *Order for Turnover and Appointment of Receiver* dated August 16, 2021 (ECF #120, the “Receivership Order,”)¹ in connection with a Judgment (ECF #22) pursuant to which Derek C. Abbott was appointed as Receiver to, among other things, collect certain Phoenixus stock owned by the Judgment Debtor (the “Phoenixus Shares”) and to sell that stock so as to satisfy the Judgment to the Judgment Creditor; and until the Judgment Debtor has satisfied his obligations to the Judgment Creditor, collect any and all assets or property of the Judgment Debtor other than the Phoenixus Shares which are subject to a certain Forfeiture Order, including those assets actually held by the Government and/or the U.S. Attorney in accordance with the Forfeiture Order as well as any others, with said assets to be held and not sold without further order of this Court; and

The Receiver having made application to the Court for a further order authorizing him to distribute the proceeds from the sale of the Phoenixus Shares to Akkadian Partners SA (the “Sale Proceeds”) in pursuant to a Stock Purchase Agreement (the “SPA”);

¹ Capitalized terms not defined herein are as defined in the Receivership Order.

IT IS ORDERED, that the Receiver's application is granted as follows:

1. The Receiver is authorized to distribute the Sale Proceeds as follows:
 - a. payment of Court approved legal fees through January 31, 2024 from the Receiver's lead counsel Halperin Battaglia Benzija, LLP in the amount of \$109,344.22;
 - b. payment of Court approved legal fees to date from the Receiver's tax counsel Richards, Layton & Finger, PA in the amount of \$1,972.00;
 - c. payment of Court approved legal fees to date from the Receiver's Swiss counsel Baker McKenzie Switzerland AG in the amount of \$59,328.24;
 - d. payment of the Receiver's "necessary expenses for the work" performed in connection with the receivership in the amount of \$6,970.22;
 - e. payment to the Judgment Debtor in the amount of \$724,885.32; and
 - f. a commission of five percent (5%) of the \$950,000.00 amount he will disburse in accordance with this Order and the Receivership Order [ECF Doc. No. 120 at ¶ 6], in the amount of \$47,500.00.
2. The Receiver is authorized to retain \$50,000.00 of the Sale Proceeds and the \$50,000.00 received from the Brafman Firm, for a total of \$100,000.00, to cover potential future receivership expenses.
3. The Receiver, in both his official and personal capacities, along with his employees, agents, attorneys, or other parties authorized to act on his behalf, shall have no liability whatsoever to Akkadian Stock Partners SA, as well as its members, officers, partners, shareholders, parents, subsidiaries, affiliates, employees, agents, attorney, administrators, successors or assigns, in each case solely in such capacities, regarding any claims, damages, actions, suits, causes of action, rights, liens, demands, obligations and/or liabilities of any kind or nature, in law or equity, known or unknown or hereinafter becoming known, liquidate or unliquidated, contingent or fixed, direct or indirect, arising from the sale of the Phoenixus Shares, the SPA, and the distribution of the Sale Proceeds.

So ordered.

James E. He
April 17, 2024